

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
NATASHA NANDALALL,

Plaintiff,

-against-

THE CITY OF NEW YORK and POLICE  
OFFICER JUAN GONZALEZ, Shield Number  
274458

Defendants.  
-----X

X

X

X

X

X


X

**07 Civ. 6257 (DASB)**

**NOTICE OF MOTION FOR  
RELIEF FROM COURT'S  
MAY 1, 2008 ORDER  
DISMISSING JUAN GONZALEZ  
WITHOUT PREJUDICE FOR  
FOR FAILURE PROSECUTE**

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Jonathan C. Moore, Esq., attorney for the plaintiff, dated the 7<sup>th</sup> of May, 2008, the annexed affidavit of Janice Badalutz, the annexed Memorandum of Law, and upon all the pleadings and proceedings heretofore had herein, plaintiff will move this Honorable Court, before the Honorable Deborah A. Batts, United States District Judge, presiding at the United States District Courthouse located at 500 Pearl Street, New York, New York, 10007, on the 16<sup>th</sup> of May, 2008, or as soon thereafter as counsel can be heard, for an order setting aside this Court's Order of May 1, 2008, dismissing the Complaint against Defendant Juan Gonzalez for failure to prosecute.

Dated: New York, New York  
May 8, 2008

  
JONATHAN C. MOORE (JM - 6902)  
BELDOCK HOFFMAN & LEVINE, LLP  
99 Broadway - Suite 1600  
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(212) 353-9587

*One of the Attorneys for the Plaintiffs*

TO: Hillary A. Frommer, Esq.  
Assistant Corporation Counsel  
New York City Department of Law  
100 Church Street  
New York, New York 10007  
(212) 788-0823

*Attorney for the Defendant City of New York*

Juan Gonzalez  
Defendant  
77<sup>th</sup> Precinct  
127 Utica Avenue  
Brooklyn, New York 11213

CERTIFICATE OR SERVICE

I, JONATHAN C. MOORE, an attorney, do hereby swear and affirm that I caused a copy of Plaintiffs' Notice of Motion with accompanying affirmation and affidavit, and Memorandum of Law to be served on counsel for the Defendant City of New York, Hillary A. Frommer, Assistant Corporation Counsel, New York City Department of Law, 100 Church Street, New York, New York, 10007, by facsimile and by e-mail on May 8, 2008 and on Defendant Juan Gonzalez by serving his last known address, also on May 8, 2008.

  
ATTORNEY